

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE P. JAMES,	:	
	:	
Plaintiff	:	
	:	No. 1:CV-01-1015
v.	:	
	:	(Judge Kane)
YORK COUNTY POLICE	:	(Magistrate Judge Mannion)
DEPARTMENT; AGENT JAMES H.	:	
MORGAN; DET. RICHARD	:	Electronically Filed
PEDDICORD; DET. RAYMOND E.	:	
CRAUL; SGT. GENE FELS; DET.	:	
ANTHONY GLOWCZEWSKI; AGENT	:	
RANDY SIPES; and AGENT BRIAN	:	
WESTMORELAND,	:	
Defendants	:	

STATEMENT OF MATERIAL FACTS

1. On November 15, 2001, Plaintiff was convicted by a jury of his peers on two counts of Possession with Intent to Deliver. (Certified copy of York County Court of Common Pleas docket sheet at pgs. 2-3¹).

2. The events leading up to Plaintiff's conviction are as follows: Law enforcement officers in California intercepted nine (9) pounds of marijuana in a box addressed to Plaintiff's rented mailbox at Mailboxes, etc., located at 2536 Eastern Boulevard in York, Pennsylvania. Defendants replicated the box and placed the same inside Plaintiff's rented mailbox. (Affidavit of Probable Cause for

¹ This document is attached as exhibit 1.

Search Warrant² dated January 10, 2001 and Affidavit of Probable Cause for Search Warrant dated January 12, 2001).

3. Plaintiff was then arrested on January 10, 2001, while he was retrieving the box he believed contained illegal drugs from his rented mail box at Mailboxes etc., located at 2536 Eastern Boulevard in York, Pennsylvania. (Affidavit of Probable Cause for Search Warrant dated January 10, 2001 and Affidavit of Probable Cause for Search Warrant dated January 12, 2001).

4. More specifically, Plaintiff retrieved the box from the clerk inside , and upon exiting, the law enforcement officers approached Plaintiff, who dropped the box and ran. After a brief chase, Defendant was taken into custody. (sworn Affidavit of Probable Cause of Defendant Craul³).

5. At that time Plaintiff alleges he was hit by a van driven by Defendant Glowczeski. (Complaint at ¶4 and Amended Complaint at ¶¶5 and 6).

6. While on the ground Plaintiff alleges that Defendants “handcuffed,” “trampled upon” and “taken hold of my person” and placed him in the police van. (Complaint at ¶4, Amended Complaint at ¶5).

² The search warrant dated January 10, 2001 is attached as exhibit 2 and the search warrant dated January 12, 2001 is attached as exhibit 3. These search warrants and their supporting affidavits of probable cause contain sworn statements by Defendants as to the facts that led up to Plaintiff arrest and seizure of drugs. Plaintiff was actually arrested and taken into custody on January 10, 2001, and the search warrant dated January 12, 2001 led to additional illegal drugs being found in other mailboxes rented by Plaintiff.

³ A copy of this sworn affidavit of Defendant Craul is attached as Exhibit 4.

7. After being placed in the van, Plaintiff alleges that he was not read his *Miranda* rights by any Defendant. (Complaint at ¶¶5 and 6).
8. After arriving at the York County Police Department, Plaintiff alleges that Defendant Morgan interrogated him and denied Plaintiff's requests to telephone his attorney. (Complaint at ¶6 and 10).
9. Plaintiff alleges that Defendant Peddicord searched his person, including his wallet. (Complaint at ¶7).
10. Plaintiff's Complaint states that the District Justice set the amount of bail in this matter, but it was excessive and constitutionally impermissible. (Complaint at Legal Claim Section, ¶5 and Complaint at ¶13).
11. Plaintiff's Complaint acknowledges that his claims for search and seizure violations are for injuries "suffered due to detention" (Complaint at Relief, ¶2).

Respectfully submitted,

GERALD J. PAPPERT
Attorney General

By: s/Jason C. Giurintano
JASON C. GIURINTANO
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SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section
Counsel for Defendants
Date: April 13, 2004

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RANDY SIPES; and AGENT BRIAN	:	
WESTMORELAND,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Jason C. Giurintano, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on April 13, 2004, I caused to be served a true and correct copy of the foregoing document entitled Statement of Material Facts by depositing same in the United States Mail, first-class postage prepaid to the following:

Tyrone P. James, EX-9451
SCI Rockview, P.O. Box A
Bellefonte, PA 16823

Donald L. Reihart
3015 Eastern Boulevard
York, PA 17402-3026

s/Jason C. Giurintano
JASON C. GIURINTANO
Deputy Attorney General